IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 1ST NOVEMBER 2006 / 10TH KARTHIKA 1928

Bail Appl..No. 6004 of 2006()

CMP.3656/2006 of J.M.F.C.-I,THAMARASSERY
C.R.NO.15/2006 OF THAMARASSERY EXCISE RANGE.

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PETITIONER/ACCUSED NO.4

MATHAYI @ DAMODHARAN,
S/O.MAYYON, KAVUNGULLAKUNNUMMAL,
EANGAPUZHA AMSOM.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA THROUGH THE
EXCISE INSPECTOR,
THAMARASSERY EXCISE RANGE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/11/2006, ALONG WITH BA NO. 6017 OF 2006 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application Nos. 6004 & 6017 of 2006

Dated this the 1st November, 2006.

O R D E R

Petitioner in B.A.No.6004/2006 is the 4th accused and the petitioner in B.A.No.6017/2006 is the 3rd accused, in C.R.No.15/2006 of Thamarassery Excise Range, for the offence punishable under Section 8(1) & (2) of the Abkari Act, as the petitioners along with other accused were found in illegal possession of 20 litres of illicit arrack, on 28.7.2006, at 2.30 p.m. Petitioners were arrested on 13.9.2006, and they remain in judicial custody from 14.9.2006 onwards.

2. I heard the arguments advanced by both sides. Considering the submissions made by either side, including the fact that the other two accused had already been released by the lower court, I allow these applications, grant bail to the petitioners, and release them from jail, subject to the following conditions:-

i) Each petitioner shall execute a bond for Rs.25,000/= (Rupees Twenty Five Thousand only), with two solvent sureties, each for the like sum, to the satisfaction of the Judicial First Class Magistrate Court-I, Thamarassery.

ii) The petitioners shall report before the Inspector of Thamarassery Excise Range, once in a week, on every Monday, between 10 and 11 A.M., starting from 6.11.2006, for a period of two months.

J.M. JAMES,
JUDGE

nj.